

Grant Guidance Document

FFY 2010 Section 319(h) Nonpoint Source Implementation Grant

Energy and Environment Cabinet
Division of Water, Nonpoint Source Section
200 Fair Oaks Lane, 4th Floor
Frankfort, Kentucky 40601
(502) 564-3410

New for FFY 2010

****Important Change****

Project Proposals are now required and may be submitted at anytime. To be eligible for FFY 2010 funding, the forms must be submitted by February 1, 2010.

The Project Proposal Form can be accessed at:

<http://www.water.ky.gov/publicassistance/funding/nps/Grant+Application+Information.htm>

FFY 2010 SECTION 319(h) GRANT PROJECT APPLICATION SCHEDULE

<u>Date</u>	<u>Activity</u>
February 1, 2010	Project Proposal Form must be submitted
April 26, 2010	Project application must be postmarked (or received if hand delivered)
May 10 – June 30, 2010	Project application review and selection
October 2010	Expected receipt of grant from EPA

The Project Proposal Form, Grant Guidance Document and Application Instructions can be found on the Web at:

<http://www.water.ky.gov/publicassistance/funding/nps/Grant+Application+Information.htm>

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INTRODUCTION

WHAT IS NONPOINT SOURCE POLLUTION?

Nonpoint source (NPS) pollution, also known as runoff pollution, is the number one contributor to water pollution in the Commonwealth. Unlike point source pollution, which enters waterways at definite locations (such as discharge pipes from wastewater treatment plants); NPS pollution originates from numerous sources.

NPS pollutants, such as pesticides, fertilizers, nutrients, metals, sediment, bacteria, and other pathogens resulting from various land use activities, are picked up by rainwater or snowmelt and carried into Kentucky's streams, groundwater, rivers, and lakes. NPS pollutants can affect the safety of our drinking water, make waters unsafe for recreational activities, and destroy our natural aquatic ecosystems. A list of activities that cause NPS pollution can be found on page 3.

HOW CAN NONPOINT SOURCE POLLUTION BE CONTROLLED?

The objective of the Kentucky NPS pollution control program is to reduce, remediate, and prevent nonpoint source pollution. NPS pollution is controlled primarily through the adoption of practical and cost-effective land management practices known as **best management practices (BMPs)**. BMPs allow for the continuation of everyday activities while reducing or preventing NPS pollution. Using BMPs allows for the improvement of water quality while maintaining the economic value of Kentucky's land resources.

Kentucky receives federal funding through the Clean Water Act §319(h) grant from the U.S. Environmental Protection Agency (EPA) to implement the NPS pollution control program. Much of this funding is available for use by watershed partners where NPS pollution has impaired water quality or where Special Use Water resources are threatened. A list of Special Use Waters can be found at: <http://www.water.ky.gov/sw/specialwaters>

Section 319(h) grants provide 60 percent of project costs; additional funds (40 percent of the total project cost) must be provided by the applicant from sources other than the federal government. No federal funds may be used as match for 319(h) projects.

Section 319(h) funds should be regarded as "seed money" to initiate NPS pollution control efforts, but not fund them indefinitely. The primary focus is to restore streams impaired by NPS pollution. Some funding is also available to protect streams that currently meet water quality standards but may be threatened. Projects that address the pollutants of concern for streams on the list of Kentucky impaired streams (2008 Integrated Report) are given first priority for NPS funding. The Kentucky Division of Water, NPS Section, has identified several high priority needs or focus areas. These priorities are:

1. Development of Watershed-Based Plans

Funding is available to develop Watershed-Based Plans (WBPs) for high priority watersheds in need of restoration or Special Use Waters with a documented need for protection. This would include waters listed in the 2008

Integrated Report, Assessment Category 4A and 5A watersheds and Special Use Waters (KDOW 2008). Web links to the 2008 Integrated Report and Division of Water's list of Special Use Waters can be found on page 14 of this document. A WBP must contain the elements identified in Section III D of the *Nonpoint Source Program and Grants Guidelines for States and Territories* (USEPA 2003). This EPA document may be found on the web at: <http://www.epa.gov/fedrgstr/EPA-WATER/2003/October/Day-23/w26755.htm>.

"The EPA Handbook for Developing Watershed Plans to Restore and Protect Our Waters" can be downloaded at http://www.epa.gov/owow/nps/watershed_handbook/

Note: A Draft Watershed Planning Guidebook for Kentucky Communities is in the process of being finalized.

The Division maintains lists of Special Use Waters that need protection. Information about Special Use Waters can be accessed at the following website: <http://www.water.ky.gov/sw/specialwaters/>

WBP are developed in two stages: the first stage is the development of a Watershed Data Analysis Report; in stage two, a comprehensive plan should be completed.

2. Watershed Data Analysis Report

Funding is available to develop Watershed Data Analysis Reports (WDARs), the required first stage of developing a WBP. The WDAR should include all sources and causes of impairments and threats to the watershed. The report should also

include a determination of the current pollutant loads and the load reductions needed to meet the water quality standards.

WDARs must contain the required element "a" identified in Section III D of the *Nonpoint Source Program and Grants Guidelines for States and Territories* (USEPA 2003). This EPA document may be found on the web at: <http://www.epa.gov/fedrgstr/EPA-WATER/2003/October/Day-23/w26755.htm>.

3. Implementation of Watershed Based Plans

Funding is available to implement existing Division of Water accepted WBPs for high priority watershed restorations and the protection of Special Use Waters with documented threats. These projects must be results-oriented with goals and objectives focused on reducing NPS pollution, reducing or eliminating documented threats, and improving water quality in an effort to meet water quality standards. To determine the project's success in reducing NPS pollution, environmental data collection is required.

Refer to the Section entitled "Criteria for a Successful Nonpoint Source Project" for additional information on priority NPS watersheds in need of restoration and protection.

4. Other Nonpoint Source Pollution Control Projects

Limited funding is available for the development and performance of BMP technology demonstrations, technical training, inspection and compliance, and education and outreach programs that foster behavior change to improve water quality. Refer to the section entitled "Criteria for a Successful

Nonpoint Source Project” for additional information on priority NPS watersheds in need of restoration and protection.

If you are interested in developing a project to meet these needs, please contact the Division of Water, NPS Section as soon as possible. The NPS Section staff will advise you about project eligibility and duplication of efforts.

Categories of Nonpoint Source Pollution

AGRICULTURE

- Non-irrigated Crop Production
- Irrigated Crop Production
- Specialty Crop Production
- Pasture Grazing-Riparian and/
or Upland Pasture Grazing-Riparian
- Pasture Grazing-Upland
- Range Grazing-Riparian and/
or Upland Range Grazing-Riparian
- Range Grazing-Upland
- Animal Feeding Operations (NPS)
- Aquaculture
- Animal Holding/Management Areas

SILVICULTURE

- Harvesting, Restoration, Residue
Management
- Forest Management (pumped drainage,
fertilization, and pesticide application)
- Logging Road Construction/Maintenance
- Silvicultural Point Sources

CONSTRUCTION

- Highway/Road/Bridge Construction
- Land Development

URBAN RUNOFF/STORM SEWERS

- Other Urban Runoff
- Illicit Connections/Illegal Hook-ups/Dry
Weather Flows
- Highway/Road/Bridge Runoff
- Erosion and Sedimentation

RESOURCE EXTRACTION

- Surface Mining
- Subsurface Mining
- Placer Mining
- Dredge Mining
- Petroleum Activities
- Mill Tailings
- Mine Tailings
- Acid Mine Drainage
- Abandoned Mining
- Inactive Mining

IMPROPER WASTE DISPOSAL

- Sludge
- Wastewater
- Landfills
- Inappropriate Waste Disposal/Wildcat
Dumping
- Industrial Land Treatment

- Onsite Wastewater Systems (Septic Tanks)
- Hazardous Waste
- Septage Disposal

HYDROMODIFICATION

- Channelization
- Dredging
- Dam Construction
- Upstream Impoundment
- Flow Regulation/Modification

HABITAT MODIFICATION (other than hydro-

- modification)
- Removal of Riparian Vegetation
- Streambank Modification/Destabilization
- Drainage/Filling of Wetlands

MARINAS AND RECREATIONAL BOATING

- In-water Releases
- On-land Releases

EROSION FROM DERELICT LAND

ATMOSPHERIC DEPOSITION

HIGHWAY MAINTENANCE AND RUNOFF SPILLS

CONTAMINATED SEDIMENTS

DEBRIS AND BOTTOM DEPOSITS

INTERNAL NUTRIENT CYCLING (primarily lakes)

SEDIMENT RESUSPENSION

NATURAL SOURCES RECREATIONAL AND TOURISM ACTIVITIES (Non-boating)

- Golf Courses

UPSTREAM IMPOUNDMENT SALT STORAGE SITES GROUNDWATER LOADINGS GROUNDWATER WITHDRAWAL OTHER

- Source Unknown

From KDOW (2004a)

NONPOINT SOURCE POLLUTION CONTROL PROGRAM CONTACTS

**Kentucky Division of Water
200 Fair Oaks Lane, 4th Floor, Frankfort, KY 40601
(502) 564-3410 (Telephone) (502) 564-9636 (Fax)**

Watershed Management Branch Contacts

James Roeext. 4909
Nonpoint Source Section Supervisor
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Vacant.....ext.
Agriculture/Forestry Technical Advisor
Email:

Grants Management Section Contacts

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Kentucky Division of Conservation

**(Sub-grantee for all agriculture and construction related 319(h) Projects)
375 Versailles Road, Frankfort, KY 40601
(502) 573-3080 (Telephone) (502) 573-1692 (Fax)**

Steve Coleman
Division of Conservation, Director
Email: Steve.Coleman@ky.gov

Angie Wingfield
Program Coordinator
Coordinates with DOW, DOC staff and
contractors for the 319(h) funds for
Agriculture and Construction for base
grants and incremental grants.
Email: Angie.Wingfield@ky.gov

APPLYING FOR SECTION 319(h) FUNDING: OVERVIEW

STEP 1: SUBMIT PROJECT PROPOSAL FORM

The first step toward acquiring Section 319(h) funding is to submit a two (2) page Project Proposal form. The form and instructions may be found at: <http://www.water.ky.gov/publicassistance/funding/nps/Grant+Application+Information.htm>.

Only applicants who have submitted the Project Proposal Form will be considered for funding. Project Proposal forms may be submitted at any time; however, deadlines apply to specific federal funding cycles.

It is important that proposals convey a clear understanding of what the project proposes to accomplish.

STEP 2: INVITATION TO APPLY

After submission, the Project Proposals will be reviewed for eligibility. Applicants will be contacted to discuss their proposal. Then a review committee will select projects for possible funding. The selected project applicants will receive an invitation to apply. The applicants will be required to attend a training regarding the application.

STEP 3: THE PROJECT APPLICATION

It is important that applications convey a clear understanding of what the project proposes to accomplish and how that will be achieved.

Applications that are deficient, represent ineligible projects or are

missing KEY components will not be considered for funding.

The application must be postmarked (or received if hand delivered) no later than **April 26, 2010**. Any submissions after this date will not be considered for funding under the FFY 2010 Section 319(h) grant. All applicants will be notified regarding their project eligibility or allow- ability.

STEP 4: PROJECT APPLICATION RANKING AND SELECTION

When an eligible and complete project application is submitted on time, it will then undergo the process of ranking and selection.

Because Section 319(h) funding is limited, it is very unlikely that all project applications will be funded. Therefore, project applications compete against each other for these funds.

The Kentucky Nonpoint Source Advisory Subcommittee, Kentucky Division of Water, and Kentucky Division of Conservation participate in evaluating project applications based on criteria for a successful project. The criteria are listed on page 9. After the evaluation process is complete, we will notify you whether your project has been selected for funding.

Duplicate projects will not be funded. For example, if multiple applications for educational programs to reduce extensive pavement and other impervious surfaces are received, only the highest ranked project will be funded.

STEP 5: FUNDING

The selected project applications will be included in the FFY 2010 Section 319(h) NPS Implementation Grant application. EPA will then review and approve the application, and after Congress appropriates the funds, Kentucky will receive the requested grant award.

Once EPA awards the Section 319(h) funds to Kentucky, a legal contract between the Division of Water and the applicant will be written and executed. If you are working with your first 319(h) project, you may wish to obtain a sample legal contract to review from your NPS contact person.

Please note that the EPA frequently adds special conditions and requirements to Section 319(h) grants. Those that apply to your project will be “passed on” to you in the legal contract. While it is likely that the FFY 2010 grant conditions and requirements will be nearly the same as those for FFY 2009, this is not certain.

Project activities that are to be reimbursed cannot begin until a legal contract has been signed and fully executed. An executed contract will be mailed to the applicant

FFY 2010 SECTION 319(h) GRANT PROJECT APPLICATION SCHEDULE

Date

Activity

February 1, 2010* **Project Proposal Form must be submitted**

***NOTE: Project Proposal forms may be submitted at anytime. However, to be eligible for FFY 2010 funding, Project Proposal forms must be submitted by February 1, 2010.**

April 26, 2010 **Project application must be postmarked (or received if hand delivered)**

May 10- June 30, 2010 **Project application review and selection**

October 2010 **Expected receipt of grant funds from EPA**

Applicants must submit the application in two ways:

1. One printed copy with original signature (double-sided, copied on recycled paper) and
2. One electronic copy (on CD) saved as **Microsoft Office Word** version 2003 (or earlier) file

Applications must be postmarked (or received if hand delivered) no later than **Monday, April 26, 2010**. Any applications submitted after April 26, 2010 will **not** be considered for funding under the FFY 2010 Section 319(h) NPS Implementation grant.

Send Completed Applications to:

**KY Division of Water
Attn: Jim Roe, Nonpoint Source Section Supervisor
200 Fair Oaks Lane, 4th Floor
Frankfort, KY 40601**

Faxes or emails will not be accepted

DESIGNING AN EFFECTIVE AND COMPETITIVE NONPOINT SOURCE POLLUTION CONTROL PROJECT

ACTIVITIES Not ELIGIBLE FOR SECTION 319(h) FUNDING

A clear understanding of what activities are eligible for Section 319(h) funding is necessary before beginning to plan a project. Not all conceivable nonpoint source pollution control activities are eligible under Section 319(h). Therefore, it is important to contact the Division of Water (DOW), Nonpoint Source Section, to discuss your project ideas and to identify eligible project activities. The following activities are **not eligible** for Section 319(h) funding:

- Activities to control pollution from **point source discharges**, which are subject to Kentucky Pollutant Discharge Elimination System (KPDES) permitting requirements, are ineligible for Section 319(h) funding. These include sewage treatment plants, industrial facilities, mining operations, Concentrated Animal Feeding Operations (CAFOs), sawmill sites, construction sites greater than one acre, urban Phase I and Phase II areas, and other types of Stormwater discharges.
- Section 319(h) grant funds cannot be used for general **cost-share** programs to implement BMPs.
- Section 319(h) funds cannot be used for **research, faculty salaries, and development of college credit courses or tuition**. While BMP research is needed in Kentucky (and the nation), funding from other

sources must be tapped and utilized to pursue these activities.

- Section 319(h) **funds generally cannot be used for developing or purchasing promotional paraphernalia (e.g., T-shirts, bumper stickers, mugs, etc.)**. Please contact Jenny Howard, the NPS Section Education Specialist for additional guidance.
- Since projects are funded with federal tax dollars you may not sell products produced or make loans with Section 319(h) funds.

CRITERIA FOR A SUCCESSFUL NONPOINT SOURCE PROJECT

The following criteria are used to evaluate and select projects to receive Section 319(h) grant funding.

The following 11 criteria have been developed to guide Section 319(h) projects for Kentucky. **These criteria are used to evaluate and select projects to receive Section 319(h) grant funding.** Criteria are listed in the order of importance.

The project contributes to the implementation of the *Kentucky Nonpoint Source Management Program* to protect surface water or groundwater.

Evaluation criteria focus on attaining water quality standards and preventing degradation from both present and future

sources of NPS pollution; therefore, it is important that Kentucky's Section 319(h)-funded projects address both statewide and watershed projects.

Projects that will provide the best, most effective solutions to local NPS pollution problems are sought for funding. Siltation, pathogens and other habitat alterations are the primary causes of impairment in Kentucky streams and rivers. (KDOW 2008a).

The *Kentucky Nonpoint Source Management Program* may be found on the Internet at:

<http://www.water.ky.gov/NR/rdonlyres/5A7CB-A73-915A-41A6-A3AD-4C92A4BA2D17/o/npsmgt.pdf>

Projects that have NPS priority watershed status or data documenting the NPS impact or threat, and targets pollution control activities to address the identified pollutants of concern.

Funding priority is given to projects that address identified nonpoint source problems or threats in **NPS priority watersheds**. See the chart on page 14 for priority watersheds.

The Nonpoint Source Pollution Control Program seeks to (1) **restore watersheds** that have been altered or degraded and (2) **protect watersheds** from future impacts.

Projects that focus activities on fixing *identified* problems in watersheds with *approved* Total Maximum Daily Loads (TMDLs) will receive more points during project evaluation than projects in watersheds with a TMDL that is under development. Similarly, projects in 2008 Integrated Report Assessment Category 5A (Nonsupport) watersheds will receive more points than those in

2008 Integrated Report Assessment Category 5A (Partial Support) watersheds.

Funding priority is provided to projects and programs that focus on NPS pollution control activities that address *pollutants of concern* in these watersheds. For example, if a watershed is identified as being impacted by sediment, projects which focus on erosion control and reducing sediment in that watershed will receive priority ranking. **The plan of work should indicate how the project will reduce the NPS pollution problems in the watershed.**

With limited Section 319(h) grant funds available for controlling nonpoint source pollution in Kentucky, it is imperative that resources be targeted to pollutants of concern in priority watersheds, whether impacted or threatened.

Only a fraction of the water resources in Kentucky have been monitored. Local citizens, agencies, or other organizations may be aware of other nonpoint source pollution problems that have not been reported to, or discovered by, the Division of Water. The Division relies on outside input to expand its existing water-quality database. However, to maximize the data's usefulness, it must be based on scientific methods and procedures.

In addition to remediating existing problems, the Kentucky Nonpoint Source Pollution Control Program strives to prevent nonpoint source pollution from occurring. The Division of Water is equally interested in preventing degradation of Kentucky's Special Use Waters by NPS pollution.

The list of Special Use Waters includes Outstanding National Resource Waters, Reference Reach Streams, Kentucky

Wild Rivers, and some Kentucky Outstanding Resource Waters. Specific information on these streams and these classification systems is available at the following site:
<http://www.water.ky.gov/sw/specialwaters/>

If the water quality in one of these watersheds is threatened, and supporting information/documentation is presented in the application, then the project will receive high priority watershed criteria points.

Refer to the flow chart on page 14 to determine the relative importance of Kentucky's Nonpoint Source Priority Watersheds.

Project objectives and activities that will reduce nonpoint source pollution.

Projects which will significantly reduce NPS pollution and likely result in attaining water quality standards will receive the highest points.

Projects that include appropriate and effective measures of success

"Project evaluation is as critical as your project's goals and objectives. Formulation of your project evaluation begins when the project begins; it is an essential part of the planning process. Without an evaluation system in place, it is likely that you will waste precious time and funding. It is assumed by many that evaluations are expensive and require extensive expertise. Sometimes this is true, but there are easier and less expensive approaches that can be used (though it's important to understand the tradeoffs between

using a less complicated evaluation method); it is then easier to make a decision and justify your choices" (Davenport 1998).

Projects that will result in continued NPS pollution control.

A goal of Section 319 of the Clean Water Act is to "institutionalize" or create permanent NPS pollution control programs at the state and local levels. Section 319(h) funds should be regarded as "seed money" to initiate nonpoint source pollution control efforts, but not fund them indefinitely. A competitive project application will identify actual or potential possibilities for institutionalizing the project and will devise strategies to make that happen. Partnerships with agencies and other entities in the project area can be particularly valuable for achieving this goal.

Projects that involve appropriate government entities, educational institutions, private sector organizations, and citizen groups.

Project partners can include industry and environmental groups, watershed interest groups, local citizens, and community groups. An effective nonpoint source project should also be based on partnerships with federal, state, and local agencies; universities; or private organizations with the appropriate expertise, experience, and resources. In order to achieve the highest level of participation from project partners, it is imperative that they participate in the project planning process. Involve proposed partners in project development as much as possible, as they will often have helpful expertise and

experience with Section 319(h)-funded projects.

Concerns and actions from local citizens are also the basis of a good project. To promote multi-agency and citizen involvement, a project oversight committee with representation from all cooperating agencies should direct the project, review, and approve progress.

Project budgets that are cost effective and that are targeted to provide maximum NPS pollution control.

The more efficient a project is in utilizing its funding to achieve its objectives, the more resources will be made available for the many projects that are needed to control nonpoint source pollution throughout the Commonwealth. Projects should focus on usefulness, necessity, and should convey a distinct intention to implement the best possible project in the most cost-effective way. For example, minimizing administrative, overhead, indirect costs and equipment purchases allows more funds to be used for pollution reduction.

Projects that use education, training or outreach methods that are intensive and sustained during the project to reach its target audience.

Educational activities targeted toward those who are responsible for the NPS pollution problem are an essential part of most projects. Projects should raise the level of public awareness about how individual actions create NPS pollution and how those actions affect water quality. The project should offer practical, feasible, sometimes simple

and cost-effective BMPs that are available to control it.

Education programs should be developed to encourage behavior change. While it is important for students K-12 to understand NPS pollution, it is imperative to reach the decision makers: local officials, parents of school-aged children, and all other adult audiences. Applicants are encouraged to offer outreach to adult audiences, utilize existing presentations and leadership development programs to stimulate new audience interest and participation. This could include increased membership on a Watershed Watch team, forming new watershed groups, utilizing the existing materials on Kentucky Growth Readiness Program or developing programs to promote changes in behavior that will improve water quality.

Effective sources of information on NPS outreach are found at: www.epa.gov/owow/nps/outreach.html and <http://ag.utah.gov/>. The booklet titled Getting In Step: A Guide for Conducting Watershed Outreach Campaigns provides step-by-step procedures for developing and implementing your outreach program. Getting Your Feet Wet in Social Marketing provides a step-by-step guide to developing a plan for changing behaviors through social marketing.

If you should choose to develop a K-12 teacher/student program, the program must conform to the current Kentucky Department of Education Program of Studies. By providing teachers with information that is easily incorporated into their classes, they will be more likely to use the information. For resources on existing curriculum, and assistance from Kentucky Certified

Environmental Educators, see the resource list at: <http://keec.ky.gov/> .

Project activities can be achieved within the specified time period.

Projects must set realistic implementation schedules. Detailed milestones help identify the amount of time needed to implement project activities.

Project applicants followed instructions contained in this guidance document for developing and submitting an application.

The accuracy and completeness of an application is taken into account during the review and ranking process. If your application is selected for funding, its content will be incorporated into a legal contract to complete the work described.

It is imperative that your application is accurate and complete.

Nonpoint Source Priority Watersheds

The NPS Program is responsible for protecting Kentucky's surface and groundwater, and restoring impacted waters. The following flow chart is provided to help applicants determine the relative priority of their projects and the competitive points that will be awarded. If you are in doubt as to whether or not a watershed is impacted or threatened by point or nonpoint pollution, contact the Division of Water Nonpoint Source Section.

